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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,452	03/12/2004	Manabu Akita	082418-000400US	7708
20350 7590 04/15/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
COBURN, CORBETT B				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
04/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/799,452

**Applicant(s)**

AKITA, MANABU

**Examiner**

Corbett B. Coburn

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 & 5, 6 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorner et al. (US Patent Number 6,422,941).

**Claim 1, 6, 8:** Thorner teaches a connection unit, a storage unit, a reception unit, a generation unit, and a sending unit. (Fig 2) The connection unit can be communicably connected to a controller (540) having a lever that can be moved along a predetermined route, and which sends status information specifying a current position of the lever and receives instruction information specifying a repulsive force to be applied to the lever – this is how force feedback controllers work. The storage unit pre-stores repulsive force information specifying a repulsive force to be applied to a lever, in association with a game status and a position of a lever. (figs 14 & 15) The reception unit (110) receives status information from said controller via said connection unit. The generation unit acquires the repulsive force information pre-stored in association with a current game status and a position of a lever specified by the received status information, and generates instruction information specifying a repulsive force specified by the acquired repulsive

force information (Figs 14 & 15). The sending unit sends the instruction information generated by said generation unit to said controller via said connection unit.

Thorner teaches that the generation unit designates as the instruction information, a value obtained by heightening or lowering the repulsive force specified by the acquired repulsive force information in a predetermined cycle or randomly. In Col 16, Thorner describes a crash event. The repulsive force (specified by the CRASH MAGNITUDE parameter) is modified according to a predetermined cycle based on the CRASH HOLD & CRASH FADEOUT values. Thorner does not describe the manner in which the parameters such as CRASH HOLD & CRASH FADEOUT are determined. It is well within the level of ordinary skill to set these parameters randomly and doing so would yield predictable results. Setting these parameters randomly would yield a value obtained by heightening or lowering the repulsive force specified by the repulsive force information randomly. The method of setting these parameters would be a matter of design choice for which Applicant has shown no particular benefit. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Thorner to yield a value obtained by heightening or lowering the repulsive force specified by the repulsive force information randomly because the parameters CRASH HOLD & CRASH FADEOUT must be determined in some manner & random determination of parameters is well known to the art.

**Claim 3:** Videogame unit (102) is a calculation unit and a display unit. The storage unit further pre-stores driving force information specifying a driving force in association with a game status and a position of a lever. The calculation unit calculates acceleration of an

object moving in a virtual world, based on a driving force specified by the driving force information pre-stored in association with a current game status and the position of the lever specified by the received status information; and said display unit moves the object in the virtual world at the calculated acceleration, and displays the object on a screen at a position reached by moving. Thorner teaches using the system in a car simulation (Fig 26C).

**Claim 5:** Thorner teaches an audio unit, wherein: said storage unit further pre-stores audio information in association with a game status and a position of a lever; and the audio unit reproduces the audio information pre-stored in association with a current game status and the position of the lever specified by the received status information. (Fig 12)

3. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorner as applied to the claims above in view of Simonelli (US Patent Number 4,817,948).

**Claim 4:** Thorner teaches the invention substantially as claimed, but fails to teach that the display unit displays on the screen, the virtual world as viewed from the position of the moved object (i.e., in first person). This is a matter of design choice and many, if not most, car games depict the world as seen through the windshield of the car. Simonelli teaches such a game (Fig 2). This heightens the sense of realism by allowing the driver to feel as if he is actually in the car. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Thorner in view of Simonelli to display the virtual world as viewed from the position of the moved object in order to heighten the sense of realism.

***Response to Arguments***

4. Applicant's arguments filed 14 January 2008 have been fully considered but they are not persuasive.
5. The arguments are directed to the amended claims & are answered in the rejection above.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/  
Primary Examiner  
Art Unit 3714